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GOVERNMENT GAZETTE

BOLETIM OFICIAL

SUPPLEMENT (SUPLEMENTO)

GOVERNMENT OF GOA, DAMAN AND DIU

Legislative Assembly of Goa, Daman and Diu

Legislature Department

LA/1978/68

In exercise of the powers conferred on him by rule 117 of the Rules of Procedure and Conduct of Business of the Legislative Assembly of Goa, Daman and Diu, the Speaker has ordered publication of the following Bill for general information.

The Indian Stamp (Goa, Daman and Diu Amendment) Bill, 1968

(Bill No. 6 of 1968)

A Bill to amend the Indian Stamp Act, 1899, as in force in the Union territory of Goa, Daman and Diu, and to repeal the local law relating to Sisa.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Nineteenth Year of the Republic of India as follows:—

1. Short title, extent and commencement. — (1) This Act may be called the Indian Stamp (Goa, Daman and Diu Amendment) Act, 1968.

(2) It extends to the whole of the Union territory of Goa, Daman and Diu.

(3) It shall come into force on such date as the Administrator of the Union territory of Goa, Daman and Diu may, by notification in the Official Gazette, appoint.

2. Amendment of section 2. — In the Indian Stamp Act, 1899, as in force in the 2 of 1899 Union territory of Goa, Daman and Diu (hereinafter referred to as the principal Act), in Section 2, —

(a) in clause (10), after the words and figure "by Schedule I", the words, figure and letter "or by Schedule I-A, as the case may be" shall be added at the end;

(b) after clause (25), the following clause shall be inserted, namely:—

"(26) "Union territory" means the Union territory of Goa, Daman and Diu."

3. Amendment of section 3. — In section 3 of the principal Act, for the proviso, the following provisos shall be substituted, namely:—

"Provided that, except as otherwise expressly provided in this Act, and notwithstanding anything contained in clause (a) or clause (c) or in Schedule I, the amount indicated in Schedule I-A shall, subject to the exceptions contained in that Schedule, be the duty chargeable on the following instruments, namely:—

(1) every instrument mentioned in Schedule I-A as chargeable with duty under that Schedule which, not having been previously executed by any person, is executed in the Union territory on or after the date of commencement of the Indian Stamp (Goa, Daman and Diu Amendment) Act, 1968;

(2) every instrument mentioned in Schedule I-A as chargeable with duty under that Schedule, which, not having been previously executed by any person, is executed out of the Union territory on or after the date of

commencement of the Indian Stamp (Goa, Daman and Diu Amendment) Act, 1968, and relates to any property situated, or to any matter or thing done or to be done in the Union territory and is received in the said Union territory:

Provided further that no duty shall be chargeable in respect of —

- (1) any instrument executed by, or on behalf of, or in favour of, the Government in cases where, but for this exemption, the Government would be liable to pay the duty chargeable in respect of such instrument;
- (2) any instrument for the sale, transfer or other disposition, either absolutely or by way of mortgage or otherwise, of any ship or vessel; or any part, interest, share or property of or in any ship or vessel, registered under the Inland-Steam-Vessels Act, 1917, the Merchant Shipping Act, 1958, or the Coasting Vessels Act, 1838, as amended by subsequent Acts."

4. Amendment of section 4. — In section 4 of the principal Act, in sub-section (1),—

- (i) after the words and figure "in Schedule I" the words, figure and letter "or in Schedule I-A, as the case may be" shall be inserted;
- (ii) for the words "in that Schedule", the words, figures and letters "in Schedule I or in Schedule I-A, as the case may be" shall be substituted.

5. Amendment of section 6. — In section 6 of the principal Act,

- (a) after the words and figure "in Schedule I", the words, figure and letter "or in Schedule I-A, as the case may be" shall be inserted;
- (b) in the proviso, after the words "has been paid", the words, figure and letter "unless such instrument falls within the provisions of section 6-A" shall be added at the end.

6. Insertion of new section 6-A. — After section 6 of the principal Act, the following section shall be inserted, namely:—

"6-A. Payment of higher duty in respect of certain instruments. — (1) Notwithstanding anything contained in section 4 or section 6 or in any other law for the time being in force, unless it is proved that the duty chargeable under this Act as amended by the Indian Stamp (Goa, Daman and Diu Amendment) Act, 1968, has been paid —

- (a) on the principal or original instrument, as the case may be, or
- (b) in accordance with the provisions of this section,

the duty chargeable on an instrument of sale, mortgage or settlement other than a principal instrument or on a counterpart, duplicate or copy of any such instrument shall, if the principal or original instrument would, when received in the Union territory, have been chargeable under this Act as amended by the Indian Stamp (Goa,

Daman and Diu Amendment) Act, 1968, with a higher rate of duty, be the duty with which the principal or original instrument would have been chargeable under section 18-A.

(2) Notwithstanding anything contained in section 35 or in any other law for the time being in force, no instrument, counterpart, duplicate or copy chargeable with duty under this section shall be received in evidence as properly stamped unless the duty chargeable under this section has been paid thereon:

Provided that a court before which any such instrument, counterpart, duplicate or copy is produced shall permit the duty chargeable under this section to be paid thereon, and shall then receive it in evidence."

7. Amendment of section 11. — In section 11 of the principal Act, —

- (a) in clause (a), for the words "ten naye paise", the words "twenty paise" shall be substituted;
- (b) clause (c) shall be omitted.

8. Insertion of new section 18-A. — After section 18 of the principal Act, the following section shall be inserted, namely:—

"18-A. Payment of duty on certain instruments liable to increased duty under item (2) of the first proviso to section 3. — Where any instrument (other than the one in respect of the documents specified in Entry 91 of List I in the Seventh Schedule to the Constitution) has become chargeable in any part of India other than the Union territory with duty under this Act or under any other law for the time being in force in any part of India and thereafter becomes chargeable with a higher rate of duty in the Union territory under item (2) of the first proviso to section 3 —

- (i) notwithstanding anything contained in the said first proviso to section 3, the amount of duty chargeable on such instrument shall be the amount chargeable on it under Schedule I-A less the amount of duty, if any, already paid on it in India;
- (ii) in addition to the stamps, if any, already affixed, thereto, such instrument shall be stamped with the stamps necessary for the payment of the amount of duty chargeable on it under clause (i) in the same manner and at the same time and by the same person as though such instrument was an instrument received in India for the first time at the time when it became chargeable with the higher duty."

9. Amendment of section 23-A. — In section 23-A of the principal Act, in sub-section (1), after the word and figure "Schedule I", the words, letters, figures and brackets "or Article No. 5(c) of Schedule I-A, as the case may be" shall be added at the end.

10. Amendment of section 24. — In section 24 of the principal Act, in the proviso, after the word and

figure "Schedule I", the words, letters and figures "or Article No. 18 of Schedule I-A, as the case may be" shall be added at the end.

11. Amendment of section 29. — In section 29 of the principal Act, in clause (a), after the word and figure "Schedule I", the words, figure and letter "or the corresponding Article of Schedule I-A, as the case may be" shall be inserted.

12. Amendment of section 32. — In the proviso to section 32 of the principal Act,

- (i) in clause (a), after the words "any instrument", the words, bracket and figures "other than an instrument chargeable with duty under item (2) of the first proviso to section 3" shall be inserted;
- (ii) in clause (b), the word "or" occurring at the end shall be omitted;

(iii) in clause (c), the word "or" shall be inserted at the end;

(iv) after clause (c), the following clause shall be inserted, namely: —

"(d) any instrument chargeable with duty under item (2) of the first proviso to section 3 and brought to him after the expiration of three months from the date on which it is first received in the Union territory."

13. Amendment of section 77. — In section 77 of the principal Act, for the words "Nothing in this Act", the words, figure and letter "Except for the provision as to copies of instruments contained in section 6-A nothing in the Act" shall be substituted.

14. Insertion of schedule I-A. — After Schedule I of the principal Act, the following Schedule shall be inserted, namely: —

SCHEDULE I-A

Description of Instrument	Proper Stamp Duty
1. ACKNOWLEDGEMENT of a debt exceeding twenty rupees in amount or value, written or signed by, or on behalf of, a debtor in order to supply evidence of such debt in any book (other than a banker's pass book) or on a separate piece of paper when such book or paper is left in the creditor's possession: Provided that such acknowledgement does not contain any promise to pay the debt or any stipulation to pay interest or to deliver any goods or other property.	Ten paise.
2. ADMINISTRATION BOND, including a bond given under the Indian Succession Act, 1925, or section 6 of the Government Savings Banks Act, 1873.	
(a) where the amount does not exceed Rs. 2,000;	The same duty as a Bond (No. 15) for such amount.
(b) in any other case	Twenty rupees.
3. ADOPTION DEED that is to say, any instrument (other than a Will) recording an adoption or conferring or purporting to confer an authority to adopt.	Twenty five rupees.
4. AFFIDAVIT, including an affirmation or declaration in the case of persons by law allowed to affirm or declare instead of swearing.	Two rupees.
Exemptions	
Affidavit or declaration in writing when made —	
(a) as a condition of enrolment in the Armed Forces of the Union;	
(b) for the immediate purpose of being filed or used in any Court or before the officer of any Court; or	
(c) for the sole purpose of enabling any person to receive any pension or charitable allowance.	
5. AGREEMENT OR MEMORANDUM OF AN AGREEMENT —	
(a) if relating to the sale of a bill of exchange	Twenty five paise.
(b) if relating to the sale of a Government security or share in an incorporated company or other body corporate;	Subject to a maximum of fifteen rupees, fifteen paise for every Rs. 10,000 or part thereof of the value of the security or share.
(c) if not otherwise provided for	One rupee and fifty paise.
Exemptions	
Agreement or memorandum of agreement —	
(a) for or relating to the sale of goods or merchandise exclusively not being a NOTE or MEMORANDUM chargeable under No. 43;	
(b) made in the form of tenders to the Central Government for or relating to any loan;	
AGREEMENT TO LEASE. See LEASE (No. 35)	
6. AGREEMENT RELATING TO DEPOSIT OF TITLE-DEEDS, PAWN OR PLEDGE, that is to say, any instrument evidencing an agreement relating to —	
(1) the deposit of title-deeds or instruments constituting or being evidence of the title to any property whatever (other than a marketable security), or	

Description of Instrument	Proper Stamp Duty
<p>(2) the pawn or pledge of movable property, Where such deposit, pawn or pledge has been made by way of security for the repayment of money advanced or to be advanced by way of loan or an existing or future debt—</p> <p>(a) if such loan or debt is repayable on demand or more than three months from the date of the instrument evidencing the agreement;</p> <p>(b) if such loan or debt is repayable not more than three months from the date of such instrument.</p>	<p>The same duty as a Bill of Exchange (No. 13(b)) for the amount secured.</p> <p>Half the duty payable on a Bill of Exchange (No. 13 (b)) for the amount secured.</p>
Exemption	
Instrument of pawn or pledge of goods if unattested.	
7. APPOINTMENT IN EXECUTION OF A POWER, whether of trustees or of property, movable or immovable, where made by any writing not being a will.	Twenty five rupees.
8. APPRAISEMENT OR VALUATION made otherwise than under an order of the Court in the course of a suit—	
<p>(a) where the amount or value secured does not exceed Rs. 10/- where it exceeds Rs. 10/- and does not exceed Rs. 50/- where it exceeds Rs. 50/- and does not exceed Rs. 100/- where it exceeds Rs. 100/- and does not exceed Rs. 200/- where it exceeds Rs. 200/- and does not exceed Rs. 300/- where it exceeds Rs. 300/- and does not exceed Rs. 400/- where it exceeds Rs. 400/- and does not exceed Rs. 500/- where it exceeds Rs. 500/- and does not exceed Rs. 600/- where it exceeds Rs. 600/- and does not exceed Rs. 700/- where it exceeds Rs. 700/- and does not exceed Rs. 800/- where it exceeds Rs. 800/- and does not exceed Rs. 900/- where it exceeds Rs. 900/- and does not exceed Rs. 1,000/-</p>	<p>Twenty paise. Forty paise. Seventy five paise. One rupee and fifty paise. Two rupees and twenty five paise. Three rupees. Three rupees and seventy five paise. Four rupees and fifty paise. Five rupees and twenty five paise. Six rupees. Six rupees and seventy five paise. Seven rupees and fifty paise.</p>
(b) in any other case	Ten rupees.
Exemptions	
<p>(a) Appraisement or valuation made for the information of the one party only, and not being in any manner obligatory between parties either by agreement or operation of law.</p> <p>(b) Appraisement of crops for the purpose of ascertaining the amount to be given to a landlord as rent.</p>	
9. APPRENTICESHIP-DEED, including every writing relating to the service or tuition of any apprentice, clerk or servant placed with any master to learn any profession, trade or employment, not being ARTICLES OF CLERKSHIP (No. 11).	Five rupees.
Exemption	
Instrument of apprenticeship executed by a Magistrate under the Apprentices Act, 1961 or by which a person is apprenticed by, or at the charge of, any public charity.	
10. ARTICLES OF ASSOCIATION OF A COMPANY.	
<p>(a) where company has no share capital or the nominal share capital does not exceed Rs. 1,00,000;</p> <p>(b) where the nominal share capital exceeds Rs. 1,00,000 but does not exceed Rs. 5,00,000;</p> <p>(c) where the nominal share capital exceeds Rs. 5,00,000 but does not exceed Rs. 1,00,00,000—</p> <p>(i) on the first Rs. 5,00,000;</p> <p>(ii) on the next Rs. 5,00,000 or part thereof;</p> <p>(iii) on the next Rs. 15,00,000 or part thereof;</p> <p>(iv) on the next Rs. 25,00,000 or part thereof;</p> <p>(v) on the next Rs. 50,00,000 or part thereof;</p> <p>(d) where the nominal share capital exceeds Rs. 1,00,00,000.</p>	<p>Fifty rupees.</p> <p>Two hundred and fifty rupees.</p> <p>Two hundred and fifty rupees. Five hundred rupees. Seven hundred and fifty rupees. One thousand rupees. One thousand two hundred and fifty rupees. Five thousand rupees.</p>
Exemption	
Articles of any Association not formed for profit and registered under section 25 of the Companies Act, 1956.	
See also MEMORANDUM OF ASSOCIATION OF A COMPANY (No. 39).	
11. ARTICLES OF CLERKSHIP or contract whereby any person first becomes bound to serve as a clerk in order to his admission as an attorney in any High Court.	Two hundred and fifty rupees.
ASSIGNMENT. See CONVEYANCE (No. 23), TRANSFER (No. 62), and TRANSFER OF LEASE (No. 63), as the case may be.	

Description of Instrument	Proper Stamp Duty
ATTORNEY. See Power of Attorney (No. 48).	
AUTHORITY TO ADOPT. See ADOPTION DEED (No. 3)	
12. AWARD, that is to say, any decision in writing by an arbitrator or umpire not being an award directing a partition, on a reference made otherwise than by an order of the Court in the course of a suit —	The same duty as a Bond (No. 15) for the amount or value of the property to which the award relates as set forth in such award subject to a maximum of thirty rupees.
13. BILL OF EXCHANGE as defined by section 2(2) not being a Bond, bank-note or currency-note —	As in Schedule-I.
14. BILL OF LADING (Including a through bill of lading).	As in Schedule-I.
15. BOND as defined by section 2(5) not being a debenture (No. 27) and not being otherwise provided for by this Act, or by the Court Fees Act, VII of 1870 1870 (VII of 1870) —	
where the amount or value secured does not exceed Rs. 10/- where it exceeds Rs. 10/- and does not exceed Rs. 50/- where it exceeds Rs. 50/- and does not exceed Rs. 100/- where it exceeds Rs. 100/- and does not exceed Rs. 200/- where it exceeds Rs. 200/- and does not exceed Rs. 300/- where it exceeds Rs. 300/- and does not exceed Rs. 400/- where it exceeds Rs. 400/- and does not exceed Rs. 500/- where it exceeds Rs. 500/- and does not exceed Rs. 600/- where it exceeds Rs. 600/- and does not exceed Rs. 700/- where it exceeds Rs. 700/- and does not exceed Rs. 800/- where it exceeds Rs. 800/- and does not exceed Rs. 900/- where it exceeds Rs. 900/- and does not exceed Rs. 1,000/- and for every Rs. 500/- or part thereof in excess of Rs. 1,000/-	Twenty paise. Forty paise. Seventy five paise. One rupee and fifty paise. Two rupees and twenty five paise. Three rupees. Three rupees and seventy five paise. Six rupees. Seven rupees. Eight rupees. Nine rupees. Ten rupees. Five rupees.
See Administration Bond (No. 2), Bottomry Bond (No. 16), Customs Bond or Excise Bond (No. 26), Indemnity Bond (No. 34), Respondentia Bond (No. 56), Security Bond (No. 57).	
Exemption	
Bond, when executed by any person for the purpose of guaranteeing that the local income derived from private subscriptions to a charitable dispensary or hospital or to any other object of public utility, shall not be less than a specified sum per mensem.	
16. BOTTOMRY BOND, that is to say, any instrument whereby the master of a sea-going ship borrows money on the security of the ship to enable him to preserve the ship or prosecute her voyage.	The same duty as a Bond (No. 15) for the same amount.
17. CANCELLATION — Instrument of (including any instrument by which any instrument previously executed is cancelled), if attested and not otherwise provided for.	Ten rupees.
See also Release (No. 55), Revocation of Settlement (No. 58B), Surrender of Lease (No. 61), Revocation of Trust (No. 64B).	
18. CERTIFICATE OF SALE (in respect of each property put up as a separate lot and sold) granted to the purchaser of any property sold by public auction by a Civil or Revenue Court, or Collector or other Revenue Officer or by an Officer of Customs.	
(a) where the purchase money does not exceed Rs. 10/-; (b) where the purchase money exceeds Rs. 10/- but does not exceed Rs. 25/-; (c) in any other case	Forty paise. Seventy-five paise. The same duty as is leviable under clause (a) or (b), as the case may be, of article 23 for a consideration equal to the amount of the purchase money only.
19. CERTIFICATE OR OTHER DOCUMENTS evidencing the right or title of the holder thereof, or any other person, either to any shares, scrip or stock in or of any incorporated company or other body corporate, or to become proprietor of shares, scrip or stock in or of any such company or body.	Twenty five paise.
20. CHARTER PARTY, that is to say, any instrument (except an agreement for the hire of a tug steamer), whereby a vessel or some specified principal part thereof is let for the specified purposes of charterer, whether it includes a penalty clauses or not.	Three rupees.
22. COMPOSITION DEED, that is to say, any instrument executed by a debtor whereby he conveys his property for the benefit of his creditors, or whereby payment of a composition or dividend on their debts is secured to the creditors or whereby provision is made for the continuance of the debtor's business under the supervision of inspectors or under letters of licence, for the benefit of his creditors.	Twenty rupees.

Description of Instrument

Proper Stamp Duty

23. (a) CONVEYANCE other than a conveyance specified in clause (b), not being a transfer charged or exempted under article No. 62—

when the amount or value of the consideration for such conveyance as set forth therein does not exceed Rs. 50/-
 where it exceeds Rs. 50/- but does not exceed Rs. 100/-
 where it exceeds Rs. 100/- but does not exceed Rs. 200/-
 where it exceeds Rs. 200/- but does not exceed Rs. 300/-
 where it exceeds Rs. 300/- but does not exceed Rs. 400/-
 where it exceeds Rs. 400/- but does not exceed Rs. 500/-
 Where it exceeds Rs. 500/- but does not exceed Rs. 600/-
 Where it exceeds Rs. 600/- but does not exceed Rs. 700/-
 Where it exceeds Rs. 700/- but does not exceed Rs. 800/-
 Where it exceeds Rs. 800/- but does not exceed Rs. 900/-
 Where it exceeds Rs. 900/- but does not exceed Rs. 1,000/-
 and for every Rs. 500/- or part thereof in excess of Rs. 1,000/-

One rupee and fifty paise.

Three rupees.
 Six rupees.
 Nine rupees.
 Twelve rupees.
 Fifteen rupees.
 Eighteen rupees.
 Twenty one rupees.
 Twenty four rupees.
 Twenty seven rupees.
 Thirty rupees.
 Fifteen rupees.

Exemption

Assignment of copy-right by entry made under the copy-right Act, 1957.

- (b) CONVEYANCE (Not being a transfer charged or exempted under Article No. 62) so far as it relate to immovable property.

Where the amount or value of the consideration for such conveyance as set forth therein does not exceed Rs. 200/-
 Where it exceeds Rs. 200/- but does not exceed Rs. 300/-
 Where it exceeds Rs. 300/- but does not exceed Rs. 400/-
 Where it exceeds Rs. 400/- but does not exceed Rs. 500/-
 Where it exceeds Rs. 500/- but does not exceed Rs. 600/-
 Where it exceeds Rs. 600/- but does not exceed Rs. 700/-
 Where it exceeds Rs. 700/- but does not exceed Rs. 800/-
 Where it exceeds Rs. 800/- but does not exceed Rs. 900/-
 Where it exceeds Rs. 900/- but does not exceed Rs. 1,000/-
 and for every Rs. 500 or part thereof in excess of Rs. 1,000/-

Twelve rupees.

Eighteen rupees.
 Twenty four rupees.
 Thirty rupees.
 Thirty six rupees.
 Forty two rupees.
 Forty eight rupees.
 Fifty four rupees.
 Sixty rupees.
 Thirty rupees.

CO-PARTNERSHIP DEED. See Partnership (No. 46)

24. COPY OR EXTRACT certified to be a true copy or extract, by order of any public officer and not chargeable under the law for the time being in force relating to court fees—

- (i) if the original was not chargeable with duty or if the duty with which it was chargeable does not exceed one rupee fifty paise;
 (ii) in any other case

One rupee and fifty paise.

Three rupees.

Exemptions

- (a) Copy of any paper which a public officer is expressly required by law to make or furnish for record in any public office or for any public purpose.
 (b) Copy of, or extract from, any register relating to births, baptisms, namings, dedications, marriages, divorces, deaths or burials.
 25. COUNTERPART OR DUPLICATE of any instrument chargeable with duty and in respect of which the proper duty has been paid—
 (a) if the duty with which the original instrument is chargeable does not exceed three rupees;
 (b) in any other case

The same duty as is payable on the original.

Three rupees.

Exemption

Counterpart of any lease granted to cultivator, when such lease is exempted from duty.

26. CUSTOMS BOND OR EXCISE BOND—

- (a) where the amount does not exceed Rs. 1,000/-
 (b) in any other case

The same duty as a Bond (No. 15) for such amount.

Ten Rupees.

27. DEBENTURE

As in Schedule I.

DECLARATION OF ANY TRUST. See Trust (No. 64).

28. DELIVERY ORDER IN RESPECT OF GOODS, that is to say, any instrument entitling any person therein named, or his assigns or the holder thereof, to the delivery of any goods lying in any dock or port, or in any warehouse in which goods are stored or deposited on rent or hire, or upon any wharf, such instrument being signed by or on behalf of the owner of such goods upon the sale of transfer of the property therein, when such goods exceed in value twenty rupees.

Fifteen paise.

Description of Instrument	Proper Stamp Duty
DEPOSIT OF TITLE-DEED. <i>See</i> Agreement relating to deposit of Title Deeds, Pawn or Pledge (No. 6).	
DISSOLUTION OF PARTNERSHIP, <i>See</i> Partnership (No. 46).	
29. DIVORCE—Instrument of, that is to say, any instrument by which any person effects the dissolution of his marriage.	Ten rupees.
DOWER—Instrument of — <i>See</i> Settlement (No. 58).	
DUPLICATE — <i>See</i> Counterpart (No. 25).	
31. EXCHANGE OF PROPERTY — Instrument of —	The same duty as is leviable on a conveyance under clause (a) or (b), as the case may be of article 23 for a consideration equal to the value of the property of greatest value as set forth in such instrument.
EXTRACT. — <i>See</i> Copy (No. 24).	
EXCISE BOND — <i>See</i> Customs Bond or Excise Bond No. 26.	
32. FURTHER CHARGE, Instrument of, that is to say, any instrument imposing a further charge on mortgaged property —	
(a) when the original mortgage is one of the description referred to in clause (a) of Article No. 40 that is, with possession;	The same duty as a mortgage deed with possession (No. 40)(a) for the amount equal to the amount of the further charge secured by such instrument.
(b) when such mortgage is one of the description referred to in clause (b) of Article No. 40 (that is, without possession) —	
(i) if at the time of execution of the instrument of further charge possession of the property is given or agreed to be given under such instrument;	The same duty as a mortgage deed with possession (No. 40)(a) for the amount equal to the total of the charge (including the original mortgage demand any further charge already made) less the duty already paid on such original mortgage and further charge.
(ii) if possession is not so given.	The same duty as a Bond (No. 15) for the amount of the further charge secured by such instrument.
33. GIFT—Instrument of, not being a Settlement (No. 58) or Will or Transfer (No. 62).	The same duty as is leviable on a conveyance under clause (a) or (b), as the case may be of article 23 for a consideration equal to the value of the property which is the subject-matter of the gift.
HIRING AGREEMENT or agreement for service. <i>See</i> Agreement (No. 5).	
34. INDEMNITY BOND.	
INSPECTORSHIP DEED — <i>See</i> Composition Deed (No. 22).	
INSURANCE — <i>See</i> Policy of Insurance (No. 47).	
35. LEASE, including an under-lease or sub-lease and any agreement to let or sublet.	
(a) where by such lease the rent is fixed and no premium is paid or delivered —	
(i) where the lease purports to be for a term of less than one year;	Half of the duty payable on a Bond (No. 15) for the whole amount payable or deliverable under such lease.
(ii) where the lease purports to be for a term of not less than one year, but not more than five years;	Half of the duty payable on a Bond (No. 15) for the amount or value of the average annual rent reserved.
(iii) where the lease purports to be for a term exceeding five years and not exceeding ten years;	One third of the duty payable on a Conveyance (No. 23)(a) as levied by this Act, for a consideration equal to the amount or value of the average annual rent reserved.
(iv) where the lease purports to be for a term exceeding 10 years but not exceeding 20 years;	One third of the duty payable on a Conveyance (No. 23)(a) as levied by this Act, for a consideration equal to twice the amount or value of the average annual rent reserved.
(v) where the lease purports to be for a term exceeding 20 years, but not exceeding 30 years;	One third of the duty payable on a Conveyance (No. 23)(a) as levied by this Act, for a consideration equal to three times the amount or value of the average annual rent reserved.

Description of Instrument

Proper Stamp Duty

- (vi) where the lease purports to be for a term exceeding 30 years, but not exceeding 100 years; One third of the duty payable on a Conveyance (No. 23) (a) as levied by this Act, for a consideration equal to four times the amount or value of the average annual rent reserved.
- (vii) where the lease purports to be for a term exceeding 100 years or in perpetuity; One third of the duty payable on Conveyance (No. 23) (a) as levied by this Act, for a consideration equal in the case of a lease granted solely for agricultural purposes to 1/10th and in any other case to 1/6th of the whole amount of rents which would be paid or delivered in respect of the first fifty years of lease.
- (viii) where the lease does not purport to be for any definite term. One third of the duty payable on a Conveyance (No. 23) (a) as levied by this Act, for a consideration equal to three times the amount or value of the average annual rent which would be paid or delivered for the first ten years if the lease continued so long.
- (b) Where lease is granted for a fine or premium or for money advanced and where no rent is reserved. One third of the duty payable on a Conveyance (No. 23) (a) as levied by this Act, for a consideration equal to the amount or value of such fine or premium or advance as set forth in the lease.
- (c) Where the lease is granted for a fine or premium, or for money advanced in addition to rent reserved. One third of the duty payable on a Conveyance (No. 23) (a) as levied by this Act, for a consideration equal to the amount or value of such fine or premium or advance as set forth in the lease, in addition to the duty which would have been payable on such lease, if no fine or premium or advance had been paid or delivered.

Exemptions

Lease, executed in the case of a cultivator and for the purposes of cultivation (including a lease of trees for the production of food or drink) without the payment or delivery of any fine or premium when a definite term is expressed and such term does not exceed one year, or when the average annual rent reserved does not exceed one hundred rupees.

In this exemption a lease for the purposes of cultivation shall include a lease of lands for cultivation together with a homestead or tank.

Explanation I. Rent paid in advance, shall be deemed to be premium or money advanced within the meaning of this article unless it is specifically provided in the lease that rent paid in advance will be set off towards the last instalment or instalments of rent.

Explanation II. When a lessee undertakes to pay and recurring charge such as Government revenue, landlord's share of cesses, or the owner's share of municipal rates or taxes, which is by law recoverable from the lessor and also the cost to repairs and improvements paid by the lessee, the amount so agreed to be paid by the lessee shall be deemed to be part of the rent.

36. LETTER OF ALLOTMENT OF SHARES, in any company or proposed company, or in respect of any loan to be raised by any company or proposed company.

Twenty paise.

See also Certificate or other Document (No. 19).

37. LETTER OF CREDIT.

As in Schedule I.

LETTER OF GUARANTEE, See Agreement (No. 5).

38. LETTER OF LICENCE, that is to say, any agreement between a debtor and his creditors, that the latter shall, for a specified time, suspend their claims and allow the debtor to carry on business at his own discretion.

Fifteen rupees.

39. MEMORANDUM OF ASSOCIATION OF A COMPANY —

(a) if accompanied by articles of association under section 26 of the Companies Act, 1956.

One hundred rupees.

(b) if not so accompanied.

The same duty as is leviable on Articles of Association under Article 10 according to the share capital of the company.

Exemption

Memorandum of any association not formed for profit and registered under section 25 of the Companies Act, 1956.

Description of Instrument	Proper Stamp Duty
40. MORTGAGE-DEED, not being an agreement relating to Deposit of Title Deeds, Pawn or Pledge (No. 6), Bottomry Bond (No. 16), Mortgage of a Crop (No. 41), Respondentia Bond (No. 56), or Security Bond (No. 57) —	The same duty as is leviable on a Conveyance under clause (a) or (b) as the case may be of article 23 for a consideration equal to the amount secured by such deed.
(a) when possession of the property or any part of the property comprised in such deed is given by the mortgagor or agreed to be given —	The same duty as Bond (No. 15) for the amount secured by such deed.
(b) when possession is not given or agreed to be given as aforesaid:	
Explanation: A mortgagor who gives to the mortgagee a power of attorney to collect rents or a lease of the property mortgaged or part thereof, is deemed to give possession within the meaning of this article.	
(c) when a collateral or auxiliary or additional or substituted security, or by way of further assurance for the above mentioned purposes where the principal or primary security is duly stamped —	
for every sum secured not exceeding Rs. 1,000/-;	Seventy five paise.
and for every Rs. 1,000/- or part thereof secured in excess of Rs. 1,000/-	Seventy five paise.
Exemptions	
1) Instruments, executed by persons taking advances under the Land Improvement Loans Act, 1883, or the Agriculturists Loans Act, 1884, or by their sureties as security for the repayment of such advances.	
2) Letter of hypothecation accompanying a bill of exchange.	
41. MORTGAGE OF A CROP, including any instrument evidencing an agreement to secure the repayment of a loan made upon any mortgage of a crop, whether the crop is or is not in existence at the time of the mortgage.	
(a) when the loan is repayable not more than three months from the date of the instrument —	
for every sum secured not exceeding Rs. 200/-;	Ten paise.
and for every Rs. 200/- or part thereof secured in excess of Rs. 200/-;	Ten paise.
(b) when the loan is repayable more than three months, but not more than eighteen months, from the date of the instrument —	
for every sum secured not exceeding Rs. 100/-;	Twenty paise.
and for every Rs. 100/- or part thereof secured in excess of Rs. 100/-.	Twenty paise.
42. NOTARIAL ACT, that is to say, instrument, endorsement, note attestation, certificate or entry not being a Protest (No. 50) made or signed by a Notary Public in the execution of the duties of his office, or by any other person lawfully acting as a Notary Public.	Three rupees.
See also Protest of Bill or Note (No 50).	
43. NOTE OF MEMORANDUM, sent by a Broker or Agent to his Principal intimating the purchase or sale on account of such Principal —	
(a) of any goods, exceeding in value twenty rupees.	Twenty five paise.
(b) of any stock or marketable security exceeding in value twenty rupees.	Subject to a maximum of twenty five rupees, twenty paise for every Rs. 10.000 or part thereof of the value of the stock or security.
44. NOTE OF PROTEST BY THE MASTER OF A SHIP.	One rupee and fifty paise.
. See also Protest by the Master of a Ship (No. 51).	
ORDER FOR THE PAYMENT OF MONEY:	
See Bill of Exchange (No. 13).	
45. PARTITION Instrument of as defined by section 2 (15)	The same duty as a Bond (No. 15) for the amount of the value of the separated share or shares of the property.
	N. B. The largest share remaining after property is partitioned or if there are two or more shares of equal value and not smaller than any of the other shares then one of such equal shares shall be deemed to be that from which the other shares are separated.
	Provided always that—
	a) when an instrument of partition containing agreement to divide property in severalty is executed

Description of Instrument

Proper Stamp Duty

and a partition is effected in pursuance of such agreement, the duty chargeable upon the instrument effecting such partition shall be reduced by the amount of duty paid in respect of the first instrument, but shall not be less than seventy-five Paise.

b) where land is held on Revenue Settlement for a period not exceeding thirty years and paying the full assessment, the value for the purpose of duty shall be calculated at not more than ten times the annual revenue.

c) where a final order for effecting partition passed by any Revenue authority or any Civil Court, or an award by an arbitrator directing a partition, is stamped with the stamp required for an instrument of partition and an instrument of partition, in pursuance of such order or award is subsequently executed, the duty on such instrument shall not exceed seventy-five Paise.

46. PARTNERSHIP —

A—Instrument of —

- (a) where the capital of the partnership does not exceed Rs. 1,000/-
 where the capital of the partnership does not exceed Rs. 5,000/-
 where the capital of the partnership does not exceed Rs. 10,000/-
 where the capital of the partnership does not exceed Rs. 15,000/-
 where the capital of the partnership does not exceed Rs. 20,000/-
 where the capital of the partnership does not exceed Rs. 25,000/-

(b) in any other case.

Two rupees and fifty paise.
 Ten rupees.
 Twenty rupees.
 Thirty rupees.
 Forty rupees.
 Fifty rupees.

One hundred rupees.

B—Dissolution of

PAWN OR PLEDGE. See Agreement relating to Deposit of Title Deeds, Pawn or Pledge (No. 6).

Thirty rupees.

47. POLICY OF INSURANCE —

48. POWER-OF-ATTORNEY as defined by Section 2(21) not being a Proxy (No. 52).

As in Schedule I.

- (a) when executed for the sole purpose of procuring the registration of one or more documents in relation to a single transaction or for admitting execution of one more such documents;
 (b) when required in suits or proceedings under Presidency Small Cause Courts Act, 1882;
 (c) when authorising one person or more to act in a single transaction other than the case mentioned in clause (a);
 (d) when authorising not more than five persons to act jointly and severally in more than one transaction or generally;
 (e) when authorising more than five but not more than ten persons to act jointly and severally in more than one transaction or generally;
 (f) when given for consideration and authorising the attorney to sell any immovable property;
 (g) in any other case

One rupee.

One rupee.

Two rupees.

Ten rupees.

Twenty rupees.

The same duty as under clause (a) or (b), as the case may be of article 23 for the amount of consideration.

Two rupees for each person authorised.

N. B. — The term «registration» includes every operation incidental to registration under the Indian Registration Act, 1908.

Explanation. — For the purpose of this article more persons than one when belonging to the same firm shall be deemed to be one person.

49. PROMISSORY NOTE.

As in Schedule I.

50. PROTEST OF BILL OR NOTE, that is to say, any declaration in writing made by a Notary Public or other person lawfully acting as such, attesting the dishonour of a bill of exchange or promissory note.

Two rupees.

51. PROTEST BY THE MASTER OF A SHIP, that is to say, any declaration of the particulars of her voyage drawn up by him with a view to the adjustment of losses or the calculation of averages, and every declaration in

Three rupees.

Description of Instrument	Proper Stamp Duty
<p>writing made by him against the charterers or the consigners for not loading or unloading the ship, when such declaration is attested or certified by a Notary Public or other person lawfully acting as such.</p> <p><i>See also Note of Protest by the Master of a Ship (No. 44).</i></p>	
52. PROXY.	As in Schedule I.
53. RECEIPTS.	As in Schedule I.
54. RECONVEYANCE OF MORTGAGED PROPERTY —	
(a) if the consideration for which the property was mortgaged does not exceed Rs. 1,000/-;	The same duty as is leviable on a Conveyance under clause (a) of article 23 for the amount of such consideration as set forth in the reconveyance.
(b) in any other case	Thirty rupees.
55. RELEASE, that is to say, any instrument (not being such a release as is provided for by section 23A) whereby a person renounces a claim upon another person or against any specified property —	
(a) if the amount or value of the claim does not exceed Rs. 1,000/-;	The same duty as a Bond (No. 15) for such amount or value as set forth in the release.
(b) in any other case	Ten rupees.
56. RESPONDENTIA BOND, that is to say, any instrument securing a loan on the cargo laden or to be laden on board a ship and making repayment contingent on the arrival of the cargo at the port of destination.	The same duty as Bottomry Bond (No. 16) for the amount of the loan secured.
REVOCATION OF ANY TRUST OR SETTLEMENT.	
<i>See Settlement (No. 58): Trust (No. 64).</i>	
57. SECURITY — BOND OR MORTGAGE DEED, executed by way of security for the due execution of any office, or to account for money or other property received by virtue thereof, or executed by a surety to secure the due performance of a contract —	
(a) when the amount secured does not exceed Rs. 1,000/-	The same duty as a Bond (No. 15) for the amount secured.
(b) in any other case	Ten rupees.
Exemptions	
Bond or other instrument, when executed —	
(a) by any person for the purpose of guaranteeing that the local income derived from private subscription to a charitable dispensary or hospital or any other subject of public utility, shall not be less than a specified sum per mensem;	
(b) by person taking advances under the Land Improvement Loans Act, 1883, or the Agriculturists Loans Act, 1884, or by their sureties as security for the repayment of such advances;	
(c) by officers of Government or their sureties to secure the due execution of an office, or the due accounting for money or other property received by virtue thereof.	
58. SETTLEMENT —	
A — Instrument of (including a deed of dower)	The same duty as a Bond (No. 15) for a sum equal to the amount or value of the property settled as set forth in such settlement.
Exemption	
Deed of dower executed on the occasion of a marriage between Muhammadans.	
B — Revocation of —	The same duty as a Bond (No. 15) for a sum equal to the amount or value of the property concerned as set forth in the instruments of revocation, but not exceeding twenty rupees.
<i>See also Trust (No. 64).</i>	

Description of Instrument	Proper Stamp Duty
59. SHARE WARRANTS to bearer issued under the Companies Act, 1956.	One-and-a-half times the duty payable on a mortgage deed with possession No. 40 (a) for the amount equal to the nominal amount of the shares specified in the warrant.
Exemptions	
Share warrant when issued by a Company in pursuance of the Company's Act, 1956, section 114, to have effect only upon payment, as composition for that duty, to the Collector of Stamp Revenue of—	
(a) One-and-a-half per centum of the whole subscribed capital of the company; or (b) if any company which has paid the said duty or composition in full subsequently issues an addition to its subscribed capital, one-and-a-half per centum of the additional capital so issued.	
SCRIP. See Certificate (No. 19).	
60. SHIPPING ORDER for or relating to the conveyance of goods on board of any vessel.	Ten paise.
61. SURRENDER OF LEASE—	
(a) when the duty with which the lease is chargeable does not exceed ten rupees;	The duty with which such lease is chargeable.
(b) in any other case	Ten rupees.
Exemption	
Surrender of lease, when such lease is exempted from duty.	
62. TRANSFER (whether with or without consideration) —	
(a) of shares in an incorporated company or other body corporate;	As in Schedule I.
(b) of debentures, being marketable securities, whether the debenture is liable to duty or not, except debentures provided for by section 8;	One-half of the duty payable on a debenture (No. 27) for a consideration equal to the face amount of the debenture.
(c) of any interest secured by a bond, mortgage-deed or policy of insurance;	One-half of the duty which such bond mortgage-deed or policy of insurance is chargeable subject to a maximum of fifty rupees.
(d) of any property under the Administrator General's Act, 1961, section 25;	Fifteen rupees.
(e) of any trust-property without consideration from one trustee to another trustee, or from a trustee to a beneficiary.	Seven rupees fifty paise or such smaller amount as may be chargeable under clauses (a) to (c) of this Article.
Exemption	
Transfer by endorsement—	
(a) of a bill of exchange, cheque or promissory note; (b) of a bill of lading, delivery, order, warrant for goods or other merchantile document of title to goods; (c) of a policy of insurance; (d) of securities of the Central Government. See also section 8.	
63. TRANSFER OF LEASE by way of assignment and not by way of under-lease.	The same duty as is leviable on a Conveyance under clause (a) or (b), as the case may be, of article 23 for consideration equal to the amount of the consideration for the transfer.
Exemption	
Transfer of any lease exempt from duty.	
64. TRUST—	
A. Declaration of—of, or concerning, any property when made by any writing not being a Will.	The same duty as a Bond (No. 15) for a sum equal to the amount or value of the property concerned as set forth in the instrument, but not exceeding thirty rupees.
B. Revocation of—of, or concerning any property when made by any instrument other than a Will.	The same duty as a Bond (No. 15) for a sum equal to the amount or value of the property concerned, as set forth in the instrument, but not exceeding twenty rupees.
See also Settlement (No. 58).	
VALUATION—See Appraisalment (No. 8).	
65. WARRANT FOR GOODS, that is to say, any instrument evidencing the title of any person therein named, or his assigns, or the holder thereof, to the property in any goods lying in or upon any dock, warehouse or wharf, such instrument being signed or certified by or on behalf of the person in whose custody such goods may be.	Seventy five paise.

15. Repeal and saving. — (1) Decreto Provincial No. 60, dated the 15th June, 1896, and any other law enacted previous to the 20th day of December, 1961, which authorise the levy of Contribuição de Registo por Título oneroso or Sisa, are hereby repealed.

(2) The repeal of the said laws shall not affect —

- (a) the previous operation of the said laws or anything duly done or suffered thereunder; or
- (b) any right, privilege, obligation or liability acquired, accrued or incurred under the said laws; or
- (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said laws; or
- (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if the said laws had not been repealed.

(3) Subject to the provisions contained in sub-section (2), anything done or any action taken (including any notification issued or registration effected) under the said laws shall continue to be in force accordingly until superseded by anything done or any action taken under this Act.

Financial Memorandum

No financial commitment is involved in this Bill as the officers of Revenue who are administering the

Indian Stamp Act will execute all the provisions of this Act in addition to their normal duties. There will be no other expenditure in the enforcement of this Act.

The existing levy viz. «sisa» being repealed will result in a reduction of revenue which will however be offset by the increased stamp duty on «Conveyance» in particular and other instruments.

Statement of Objects and Reasons

The object of this Bill is to revise the rates of stamp duty for the various description of instruments as contained in Schedule I of the Indian Stamp Act, 1899, as a result of experience gained since the introduction of this Act on 1st April, 1964 and to bring the rates of duty in conformity with those obtaining in other parts of the country.

Another important feature of this Bill is that the existing taxation on transfer of properties (sisa) will get repealed.

The Administrator has recommended the introduction and consideration of the Bill under Section 23 of the Government of Union Territories Act, 1963.

Panaji,
26th March, 1968.

D. B. BANDODKAR
Chief Minister

ASSEMBLY HALL
Panaji,
4th June, 1968.

R. L. SEGEL
Secretary to the Legislative Assembly
of Goa, Daman and Diu